

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6341

BILL NUMBER: SB 102

NOTE PREPARED: Dec 7, 2006

BILL AMENDED:

SUBJECT: Lead-Bearing Substances.

FIRST AUTHOR: Sen. Gard

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill restricts the use and sale of lead-bearing substances and items to which young children have access. It prohibits the removal or defacing of a lead warning on a product label. It requires a paint vendor to provide lead information pamphlets to customers and to offer lead test kits for sale.

Effective Date: January 1, 2008.

Explanation of State Expenditures: If the State Department of Health (SDH) or a local health department believes that an item offered for sale by a person is likely to exceed the lead content limit, the SDH or the local health department may send a written notice to the person demanding documentation pertaining to the lead content. The SDH or a local health department may also provide posters in paint stores that inform customers of their right to receive a copy of the EPA's "Protect Your Family from Lead" pamphlet. These provisions could increase administrative expenses to the SDH and local health departments. The impact will depend on actions taken by the departments.

Additionally, a person may not use a lead fixture or other object in a dwelling or child care facility that can be accessible to a child who is not more than 6 years of age. A person may not remove or obscure a statement on a product that states that the product contains or may contain lead. A person who violates these provisions would be liable for a civil penalty not to exceed \$25,000 per day of violation. The Indiana Department of Environmental Management (IDEM) may recover the civil penalty in a civil action commenced in any court with jurisdiction. The Attorney General (AG) would represent IDEM in court. These provisions could increase administrative costs for IDEM and the AG.

Explanation of State Revenues: Civil penalties would be deposited in the state General Fund. The revenue

that would be collected from penalties is indeterminable.

Explanation of Local Expenditures: See *Explanation of State Expenditures*.

Explanation of Local Revenues:

State Agencies Affected: IDEM, SDH, Office of the Attorney General.

Local Agencies Affected: Health Departments.

Information Sources:

Fiscal Analyst: Bernadette Bartlett, 317-232-9586.